



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 3245-99

22 September 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 17 August 1998 for four years at age 20. The record reflects that on 18 September 1998 you were admitted to a naval hospital via the recruit evaluation unit due to psychosis. You reported a history of difficulty since 1989, when you believed that a group of five representatives from various continents in some way implanted themselves in your mind. You reported hearing their voices inside your head over these many years, carrying on a running commentary about your behavior and saying derogatory things about you. At various times these voices instructed you to kill yourself, your wife and two children, or your father. However, you refused to act on these instructions and were confident that you could continue doing so.

You were diagnosed with a psychotic disorder, not otherwise specified, which existed prior to service. You were put on medication and placed on suicide, elopement and assault precautions. An entry level separation was strongly recommended since you suffered from a severe psychiatric disturbance which

rendered you unsuitable for military service. You were considered an ongoing risk to harm yourself and others if retained. It was noted that you had assaulted two other recruits during your short period of active duty.

On 22 September 1998 you were notified that administrative separation was being considered by reason of defective enlistment and induction due to erroneous enlistment and induction as evidenced by a psychotic disorder. You were advised of your procedural rights. You declined to consult with counsel and waived your right to have your case reviewed by the general court-martial convening authority. The discharge authority directed an entry level separation by reason of erroneous enlistment. You were so discharged on 30 September 1998 and assigned an RE-4 reenlistment code.

In its review of your application, the Board conducted a careful search of your service record for any mitigating factor which might warrant changing your reenlistment code. However, no justification for such a change could be found. The Board specifically noted the civilian psychologist's report who conducted psychological testing and evaluated you during the period from February through April 1999. In that evaluation report, you told the psychologist that you pretended to act psychotic in order to be hospitalized and to be discharged by the Navy because you wanted to return to the Philippines to be with your wife, who was having complications with her pregnancy with your third child. You asserted that you were "coached by your peers" to act psychotic. Your psychologist stated that you should receive further psychological testing. Because of your desire to return to the military and your motivation to be compliant and to conform to the evaluative process, it was difficult to believe that you were presenting a realistic self-image. Individual psychotherapy was recommended. You were given a provisional diagnosis of gender identity disorder and alcohol dependency.

The Board is not sympathetic to individuals who obtain discharges through fraudulent means. Further, the Board has no way of determining what your true statement is, the one you made to the psychologist, or the statements you made to Navy medical officials to extricate yourself from your enlistment. It is well established in law that an individual who perpetrates fraud in order to be discharged should not benefit from the fraud when it is later discovered. The Board noted that the psychologist's evaluation upon which you rely is not favorable in that it recommends further testing and psychotherapy. While it does not indicate that you are psychotic, the evaluation does indicate you have other problems which are disqualifying for service, i.e. gender identity disorder and alcohol dependency. Absent convincing evidence to the contrary, the Board concluded that the

basis for your discharge was appropriate. The Board also concluded that the determination that you presented a potential risk for harm to yourself and others if retained provided sufficient justification to warrant assignment of an RE-4 reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director